

CHANGING THE FUTURE OF THE COAST: 76 02389 INCREASING PUBLIC ACCESS

A Report on the Coastal Plan of the South Coast Regional Coastal Commission

PROPOSITION 20, the Coastal Zone Conservation Act of 1972, reached the ballot by citizen initiative, and was voted into law by 55% of the electorate.

The Coastal Act declares that:

"the California coastal zone is a distinct and valuable natural resource belonging to all the people and . . . the permanent protection of the remaining natural and scenic resources of the coastal zone is a paramount concern to present and future residents of the state and nation" . . .

Six regional and one state commission were created with two responsibilities: to control development along the coast through a permit process, and to prepare a plan for the future conservation and use of all coastal resources.

THE COASTAL PLAN has been called a "constitution for the coastline." It will consist of policy recommendations that apply statewide and regional amplifications that point up special regional needs.

These recommendations for the future conservation and use of the coastline will be presented to the Governor and State Legislature for enactment into law in January, 1976.

THE SOUTH COAST REGIONAL COMMISSION's jurisdiction covers the coastline of Los Angeles and Orange Counties—the most urbanized counties in the state.

The Intensity of Development Element says: "Approximately two million people or 20% of the population of Southern California live within the five-mile coastal zone of these two counties.

Sixteen cities front the shoreline and another twenty cities lie fully or with substantial portions in the zone. It is readily evident that the coastal zone is a highly desirable place to live, work, and play. Pressures for all types of development remain high; the coastal resources finite."

INTRODUCTION

This is the first of four reports on the planning policies of the South Coast Regional Coastal Commission. The reports are designed to acquaint the public with the regional commission's major policy recommendations in advance of the May 1975 public hearings on the state-wide coastal plan. The May hearings will be the last opportunity for significant regional refinement of the state-wide plan before it goes to the Legislature.

Public participation is very important to the commission's planning process because of the nature of the law and the resource. The Coastal Act was a public initiative, not a creation of the Legislature. The coastal zone, as described in the Coastal Act, is "a natural resource belonging to all the people." A plan which affects such a vital section of the state needs both public understanding and support. Such understanding must begin at the regional level.

Following is a discussion of some of the policy recommendations on access plus a questionnaire which solicits your response to these policies. The commission invites you to return the questionnaire to its office: South Coast Regional Commission, 666 East Ocean Blvd., Suite 3105, Long Beach, California, 90802, or to appear in person at the public hearings. A schedule of meetings will be printed in the next report.

ACCESS

What are the features of the coast that are familiar to you? Is it a quiet expanse of sand and surf that you find on a week-day morning? Is it a frustrating Sunday drive along a jammed Pacific Coast Highway in search of a parking space? Is it a coastal bluff that commands an arresting view or a "private property" sign that blocks your walk down to the water's edge?

These are features of access to the coastline. In preparation of their state-wide coastal plan, the coastal commissions are concerned with maximizing recreational enjoyment of the coast and improving the public's ability to reach the shoreline.

Beginning in May all six regional commissions will hold public hearings on the state-wide coastal plan. This is an opportunity for people on the regional level to scrutinize policy recommendations applied to the entire state as well as those affecting their own region—before the plan goes to the Legislature. The South Coast Regional Commission has taken a clear stand on expanding public access to the coastline. Increasing public access has evolved as one of the South Coast's major planning principles.



FEBRUARY 1975

Key Policy Recommendations on Public Access of the South Coast Regional Commission

Public Acquisition of Shoreline Property

- * the public should acquire key, selected parcels of shoreline property

Future Construction

- * no development may interfere with the public's traditional use of the tidelands, dry sand and rocky beaches up to the first line of terrestrial vegetation, and coastal bluffs and headlands
- * shoreline properties will be evaluated for their recreational potential first before consideration of private residential, industrial, or general commercial development
- * an adopted population growth policy should dictate the location and size of any new residential development
- * commercial-recreational facilities should be clustered into multi-use complexes and served by mass transit

Access Rights Across Private Property

- * new developments must provide public access easements
- * existing public access rights under implied dedication decisions should be actively enforced

Transportation to the Coast

- * a multi-modal transportation network should provide equitable access for all coastal users—coastal residents, inland residents, and tourists
- * a coastal trail system should be established for hikers, bicyclists and equestrians
- * walkways and bikepaths should provide links between beaches
- * traffic congestion in the coastal zone should be alleviated by mass transit systems and remote parking lots linked to the beach by shuttle and jitney services

Scenic View Preservation

- * no new structure may eliminate existing views of the ocean and shoreline from the nearest public road
- * on and off-premise non-conforming signs should be removed according to a reasonable amortization period

Recreational Access

- * high priority should be given to allocating public funds for additional and varied recreational facilities close to metropolitan areas
- * water-dependent sports (swimming, fishing, boating, scuba diving, etc.) should be given priority use of the shoreline over non-water-dependent sports (golf, baseball, etc.)

Protecting Natural Resources

- * public access to fragile ecological resources should be controlled and regulated

DISCUSSION OF POLICY RECOMMENDATIONS

PUBLIC ACQUISITION: Permanent access to the coastline necessitates some public acquisition of shoreline property. The plan calls for acquisition of key parcels paralleling the coast between the mean high tide and the first public road. Part of the work of the coastal commission will be to identify these key parcels in order of their priority for acquisition and to set a reasonable time limit for their purchase. The public must be protected from escalating purchase prices of identified property, and the property owner must get tax relief if he is prevented from building.

A recent hearing on the South Coast Commission's Powers, Funding and Government Organization Element yielded several suggestions for generating revenue to purchase prime coastal property on behalf of the public. The suggestions presently being considered by the Commission are: 1) to issue state revenue bonds backed by revenues received from existing oil production from state off-shore fields; 2) investigate possible revenues from federal off-shore fields if and when oil and gas production is permitted; 3) place a severance tax on minerals (a tax when a mineral is removed from the earth); 4) offer a state leasing program, in lieu of acquisition, to retain prime coastal property; and 5) investigate various forms of development rights transfer.

EVALUATING COASTAL DEVELOPMENT: To maximize public access and recreational use of the coastline, the South Coast Commission has evolved criteria for evaluating coastal development.

No development will be permitted on the sandy beach for 200 feet inland of the mean high tide except for public health and safety structures. No development will be allowed where the public has traditionally used the dry sand and rocky beaches up to the first line of terrestrial vegetation and the coastal bluffs and headlands. No development will be permitted to decrease present ocean views from the nearest public thoroughfare.

Once past these prohibitions, a coastal parcel first would be evaluated

for public acquisition or development of a coastal-dependent use. Coastal-dependency is a concept which recognizes that a development is functionally dependent upon a resource, primarily water. Such coastal-dependent developments would be marinas, ports, fishing facilities, etc.

Secondly, the parcel would be evaluated for its potential for recreational development, such as commercial-residential development (resorts, hotels, campgrounds) which would allow the greatest number of users to enjoy the coast.

Approved, large, private development must provide public amenities — pedestrian walkways, bicycle paths, equestrian trails, open space, and public parking. All new development must provide public access to the coastline in the form of an easement. If an easement is inappropriate, the developer will be asked to contribute in-lieu fees to a coastal acquisition fund for purchase of public access elsewhere.

A mechanism will be needed to determine which agency will maintain and be liable for the public access easements it has required.

ACCESS RIGHTS: The South Coast Commission has found that "No physical access to the beach exists along some 23 miles of the South Coast Region because private landowners have erected barriers or otherwise prohibited entrance."

To rectify this situation, where the public has lost the right to use the beach because of private property restrictions, the Commission has recommended that the State Legislature enact laws that ensure the public's right to access to the dry sand/rocky beaches (up to the first line of terrestrial vegetation) and coastal bluffs/headlands it has *historically used*.

The Commission suggests that when these access rights are tested in the courts on a case-by-case basis, that there be a presumption in the judicial proceedings that coastal beaches have been traditionally used by the public. The intent of this policy is to make it easier for the public to prove that it has acquired an access right through continuous use. The burden

will shift to the landowner to prove that there has been no such continuous public use.

An extension of these policies to reassert public access rights lost to private development is a further policy asking for a special division of a state agency, such as the Attorney General's office, to actively pursue cases on behalf of the public.

INTENSITY OF DEVELOPMENT: The Intensity of Development element recommends, in general, that any development balance building area, paved area, and landscaped area, and that attention be given to protecting public views and retaining natural land features. This goal of balanced development, attention to public amenities, and protection of natural features, though intended to guide construction on an individual site, can be generalized to describe the commission's attitude toward over-all development in the coastal zone.

Non-urban and urban areas should be clearly distinguishable, with the non-urban areas such as Malibu and the Santa Monica Mountains limited to low-density residential development in planned communities. As much open space as possible should be retained in non-urban areas for recreational use or as a buffer against urban sprawl.

Commercial-recreational facilities and their support facilities should be clustered into multi-use complexes that can be served by public transit. Strip commercial development along major coastal roads should be discouraged because it creates traffic congestion and impedes coastal access.

Where there are major urban centers, such as Santa Monica, Long Beach, and Newport Beach, concentrated, high-intensity development should be integrated with mass transit systems. If properly located and designed, high-intensity development can make efficient use of mass transit and of the already existing infrastructures: water, sewer, and electric services.

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Should the State Coastal Plan Include these Regional Policies?

The South Coast Regional Commission openly solicits your opinion on the following issues. It would be greatly appreciated if you would complete the detachable questionnaire below and return it to the regional office's address on the back of the form. We thank you for your viewpoints.

1. **Mass Transit:** Because reliance on the automobile causes traffic congestion and air pollution, mass transportation systems should be funded to increase public access to the coast.

☐ Agree ☐ Disagree ☐ No opinion

COMMENTS: _____

2. **Public Access Easements:** Because private residential development often restricts public access to the beach, new developments should be required to dedicate an access easement to the public.

☐ Agree ☐ Disagree ☐ No opinion

COMMENTS: _____

3. **View Blocking Structures:** Because oceanfront structures often block views of the water from the nearest public thoroughfare, no new structure should be allowed which would eliminate existing views.

☐ Agree ☐ Disagree ☐ No opinion

COMMENTS: _____

4. **Public Acquisitions:** The coastal commission should identify key parcels of land for public acquisition and develop methods to compensate land-owners for loss of their development rights.

☐ Agree ☐ Disagree ☐ No opinion

COMMENTS: _____

5. **Recreational Development:** Because of the great demand of population centers for recreational facilities, all shoreline property should be evaluated first for its recreational potential before consideration of private residential, industrial or general commercial development.

☐ Agree ☐ Disagree ☐ No opinion

COMMENTS: _____

6. **Diverting Commuter Traffic:** Because present coastal roads are impacted by daily commuter and recreation-bound traffic, commuter traffic should be diverted to inland routes, and coastal roads left open to recreation-bound travel.

☐ Agree ☐ Disagree ☐ No opinion

COMMENTS: _____

7. **Walkways and Bikepaths:** To enhance the public's enjoyment of the beaches, easements paralleling the coast should be provided for uninterrupted walkways and bikepaths.

☐ Agree ☐ Disagree ☐ No opinion

COMMENTS: _____

8. **Coastal Trail System:** In addition to walkways and bikepaths paralleling the coast, a coastal trail system for hikers, bicyclists and equestrians should link population centers to the beach.

☐ Agree ☐ Disagree ☐ No opinion

COMMENTS: _____

9. **Beach Parking Lots:** Because parking lots block ocean views and use up prime ocean-front land, they should be moved inland, and linked to the beach by shuttles and jitneys.

☐ Agree ☐ Disagree ☐ No opinion

COMMENTS: _____

10. **Signs:** Because on-premise and off-premise non-conforming signs visually intrude into public view corridors and contribute to visual blight, they should be removed according to a reasonable amortization period.

☐ Agree ☐ Disagree ☐ No opinion

COMMENTS: _____

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Coastal communities which have an "identifiable flavor" should be protected from recycling to higher densities if that would destroy community character. Rehabilitation of older homes should be encouraged, however, as well as maintaining the approximate social mix of the community.

Development should not be allowed to encroach on any critical resource conservation areas identified in the coastal plan.

What the Commission is anxious to prevent is urban sprawl, the unplanned spread of residential development into the rural areas of Los Angeles and Orange County. Urban sprawl can be precipitated by residential development that takes place in the absence of a population-growth policy. It can also be precipitated by roadway and infrastructure expansion. In both cases, residential and roadway expansion, the result is that land with potential recreational value is lost; traffic on coastal roads, though initially improved, soon becomes impacted; and existing public recreational facilities become overcrowded with a burgeoning residential population.

The Commission's antidote to urban sprawl is to recommend that an adopted population-growth policy guide the location and size of any new residential development, and that mass transit replace road expansion to provide access to the coast for both inner-city and coastal residents.

TRANSPORTATION: Public access has been interpreted by the Commission to mean access for all coastal users: inland residents seeking recre-

ation, tourists, daily commuters, coastal residents, the handicapped, etc.

The present transportation system, which relies mainly on under-utilized bus service and over-utilized private autos, does not answer the demands of these diverse groups. Cars, buses, trucks, and bicycles are all using the same roadway facilities. The result is traffic congestion, air pollution, and impaired public access.

The South Coast Transportation Element says: "Ninety percent of the public demand for recreation is generated within two hours driving time of metropolitan areas; therefore, this is the area where the need for improved transit exists."

The Commission finds that the recreational needs of large numbers of people could be solved by linking urban areas to the coast with mass transit systems. They are the obvious answer for those who do not own a car. For those who do, they could provide a welcome relief from traffic congestion and limited parking.

Recommendations for improved mass transit systems include increased bus service, especially using idle buses on weekends; increased rail service (with storage for recreational equipment) and more bike and pedestrian paths.

Since funding for mass transit from state and federal sources is only for planning and capital expenditures, not operating costs, the Transportation Element recommends that new revenue-generating sources be found for operating costs. Some suggestions are: 1) traffic generator charges; 2) beach user fees; 3) gasoline taxes; 4)

license fees; 5) parking taxes; and 6) assumption of some costs by other state agencies with coastal jurisdictions.

The auto necessitates parking lots which are visually degrading and which use up potential recreational land. The Commission recommends that parking lots be moved back from the beach to more remote inland sites, and then be linked to the beach by shuttle and jitney services.

Daily commuter traffic should be directed to inland routes, leaving coastal roads for recreation-bound traffic.

A coastal trail system which includes trails for hiking, biking, and horse-back riding could provide a combination of public access and recreation.



The USC Sea Grant Program is involved in research, education and advisory services for the conservation and wise use of California's marine resources. In such matters as this plan element, Sea Grant Marine Advisory Services exerts every effort to insure public awareness of such public policy. This is one of a series of reviews designed solely to foster discussion of crucial coastal policy issues. The funds for this document were made available from the California Coastal Zone Conservation Commission, the State of California, and the USC Sea Grant Program.

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